



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 10 2010

ASSISTANT SECRETARY

The Honorable Timothy Webb  
Commissioner of Education  
Tennessee Department of Education  
Sixth Floor, Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, Tennessee 37243-0375

Dear Commissioner Webb:

I am writing in response to Tennessee's request to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). After reviewing Tennessee's request, I am pleased to grant one-year waivers of the following statutory and regulatory provisions:

- Section 1116(b)(1)(B) of the ESEA and 34 C.F.R. § 200.32(a)(2), which require the identification of schools in improvement, corrective action, or restructuring no later than the beginning of the school year following the failure to make adequate yearly progress (AYP).
- Section 1116(b)(1)(E)(i) of the ESEA and 34 C.F.R. § 200.37(b)(4)(iv), which together require an LEA to provide parents of eligible students with notice as to their public school choice options at least 14 days before the start of the school year. These waivers apply only to the notice provided to parents of children attending Title I schools that could be newly identified for improvement for the 2010-2011 school year and parents of children attending Title I schools that could exit improvement for the 2010-2011 school year, but do not do so.

These waivers are needed because Tennessee implemented new content standards and assessments for grades 3 through 8 and high school for which Tennessee will set achievement standards during summer 2010. Therefore, Tennessee will be late reporting student performance and making AYP determinations.

These waivers are granted on the condition that Tennessee will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of each of the waivers to the U.S. Department of Education by September 30, 2010.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Zollie Stevenson, Director of Student Achievement and School Accountability Programs (SASA) at (202) 260-0826.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Phil Bredesen  
Connie Smith  
Janine Whited

## CONDITIONS ON TITLE I, PART A WAIVERS

Waiver of requirements to provide timely adequate yearly progress determinations and timely notice to parents of public school choice options (ESEA sections 1116(b)(1)(B), 1116(b)(1)(E)(i), 34 C.F.R. §§ 200.32(a)(2), 200.37(b)(4)(iv))

This waiver is granted on the condition that Tennessee will:

- Ensure that each local educational agency (LEA) taking advantage of the waiver provides public school choice notice to parents of students attending schools that cannot exit improvement, corrective action, or restructuring for the 2010–2011 school year at least 14 days prior to the start of the 2010–2011 school year;
- Encourage all LEAs within the state to provide notice of public school choice as early as possible and, ideally, at least 30 days before the start of the school year to parents of eligible students in schools not affected by the waiver;
- Ensure that its assessment schedule and test vendor contract for the 2010–2011 school year (and all subsequent school years) will permit LEAs within the state to provide notice of public school choice sufficiently in advance of, but no later than 14 days before, the start of the 2011–2012 school year (and all subsequent school years);
- Ensure that its LEAs that offer public school choice earlier to students in some schools than to students in other schools reserve a portion of the available transportation slots for students who receive the later notice (*see* Question D-7 in the Department’s Public School Choice Non-Regulatory Guidance, available at: <http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf>); and
- Submit to the Department by September 30, 2011 a report that provides:
  - The total number of LEAs within the state that had schools that could have possibly entered or exited improvement, corrective action, or restructuring for the 2010-2011 school year; and
  - The total number of LEAs within the state that took advantage of the waiver and provided some parents notice of public school choice less than 14 days before the start of the 2010–2011 school year.